



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB2926

Introduced 2/23/2011, by Rep. Robert W. Pritchard

SYNOPSIS AS INTRODUCED:

745 ILCS 10/6-101	from Ch. 85, par. 6-101
745 ILCS 10/6-104	from Ch. 85, par. 6-104
745 ILCS 10/6-105	from Ch. 85, par. 6-105
745 ILCS 10/6-106	from Ch. 85, par. 6-106
745 ILCS 10/6-107	from Ch. 85, par. 6-107
745 ILCS 10/6-108	from Ch. 85, par. 6-108
745 ILCS 10/6-109	from Ch. 85, par. 6-109

Amends the Local Governmental and Governmental Employees Tort Immunity Act. Adds to the Article concerning medical, hospital, and public health activities a definition of "service agency under contract with a public entity" to mean an entity under contract with a local public entity to provide emergency and sick call medical services to inmates of a county jail. Adds "a service agency under contract with a public entity" to provisions granting immunity to a local public entity or a public employee concerning medical care.

LRB097 08745 AJO 48874 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Local Governmental and Governmental
5 Employees Tort Immunity Act is amended by changing Sections
6 6-101, 6-104, 6-105, 6-106, 6-107, 6-108, and 6-109 as follows:

7 (745 ILCS 10/6-101) (from Ch. 85, par. 6-101)

8 Sec. 6-101. As used in this Article, unless the context
9 otherwise requires:

10 (a) "Medical facility" includes a hospital, infirmary,
11 clinic, dispensary, mental institution or similar facility.

12 (b) "Mental institution" means any medical facility or part
13 of any medical facility used primarily for the care or
14 treatment of persons committed for mental illness or addiction.

15 (c) "Public health clinic" means an outpatient clinic
16 conducted by a locally based not-for-profit corporation, or by
17 any local board of health whose health department is recognized
18 by, and has a designation status established by, the Illinois
19 Department of Public Health.

20 (c-5) "Service agency under contract with a public entity"
21 means an entity under contract with a local public entity to
22 provide emergency services and sick call medical services to
23 inmates of a county jail.

1 (d) "Standing orders physician" means a person licensed to
2 practice medicine in all its branches in Illinois and who,
3 under an agreement with a locally based not-for-profit
4 corporation which conducts a public health clinic which
5 provides among its services free medical services to indigent
6 persons unable to pay for their own medical care, or a local
7 board of health, provides medical oversight to a public health
8 clinic in accordance with the following:

9 (1) reviews the protocols for the public health clinic
10 and amends the protocols from time to time in keeping with
11 current trends in sound medical practice;

12 (2) reviews the protocols, as amended, with the
13 professional staff of the public health clinic at least
14 once a year;

15 (3) participates in a site visit of a clinic covered by
16 the standing orders at least once a year;

17 (4) signs standing orders for medical procedures
18 conducted in the public health clinic in conformance with
19 sound medical practice; and

20 (5) is available for consultation with the
21 professional clinic staff.

22 (Source: P.A. 86-950.)

23 (745 ILCS 10/6-104) (from Ch. 85, par. 6-104)

24 Sec. 6-104. (a) A ~~Neither a~~ local public entity, a service
25 agency under contract with a public entity, and ~~nor~~ a public

1 employee are not ~~is~~ liable for an injury resulting from the
2 policy decision to perform or not to perform any act to promote
3 the public health of the community by preventing disease or
4 controlling the communication of disease within the community
5 if such decision was the result of the exercise of discretion
6 vested in the local public entity or the public employee,
7 whether or not such discretion was abused.

8 (b) A ~~Neither a~~ local public entity, a service agency under
9 contract with a public entity, and ~~nor~~ a public employee are
10 not ~~is~~ liable for an injury caused by an act or omission in
11 carrying out with due care a decision described in subdivision
12 (a).

13 (Source: Laws 1965, p. 2983.)

14 (745 ILCS 10/6-105) (from Ch. 85, par. 6-105)

15 Sec. 6-105. A ~~Neither a~~ local public entity, a service
16 agency under contract with a public entity, and ~~nor~~ a public
17 employee acting within the scope of his employment are not ~~is~~
18 liable for injury caused by the failure to make a physical or
19 mental examination, or to make an adequate physical or mental
20 examination of any person for the purpose of determining
21 whether such person has a disease or physical or mental
22 condition that would constitute a hazard to the health or
23 safety of himself or others.

24 (Source: Laws 1965, p. 2983.)

1 (745 ILCS 10/6-106) (from Ch. 85, par. 6-106)

2 Sec. 6-106. (a) A ~~Neither a~~ local public entity, a service
3 agency under contract with a public entity, and ~~nor~~ a public
4 employee acting within the scope of his employment ~~are not~~ ~~is~~
5 liable for injury resulting from diagnosing or failing to
6 diagnose that a person is afflicted with mental or physical
7 illness or addiction or from failing to prescribe for mental or
8 physical illness or addiction.

9 (b) A ~~Neither a~~ local public entity, a service agency under
10 contract with a public entity, and ~~nor~~ a public employee acting
11 within the scope of his employment ~~are not~~ ~~is~~ liable for
12 administering with due care the treatment prescribed for mental
13 or physical illness or addiction.

14 (c) Nothing in this section exonerates a public employee
15 who has undertaken to prescribe for mental or physical illness
16 or addiction from liability for injury proximately caused by
17 his negligence or by his wrongful act in so prescribing or
18 exonerates a local public entity whose employee, while acting
19 in the scope of his employment, so causes such an injury.

20 (d) Nothing in this section exonerates a public employee
21 from liability for injury proximately caused by his negligent
22 or wrongful act or omission in administering any treatment
23 prescribed for mental or physical illness or addiction or
24 exonerates a local public entity or a service agency under
25 contract with a public entity whose employee, while acting in
26 the scope of his employment, so causes such an injury.

1 (Source: Laws 1965, p. 2983.)

2 (745 ILCS 10/6-107) (from Ch. 85, par. 6-107)

3 Sec. 6-107. (a) A ~~Neither a~~ local public entity, a service
4 agency under contract with a public entity, and ~~nor~~ a public
5 employee acting within the scope of his employment ~~are not~~ ~~is~~
6 liable for any injury resulting from determining in accordance
7 with any applicable enactment:

8 (1) Whether to confine a person for mental illness or
9 addiction.

10 (2) The terms and conditions of confinement for mental
11 illness or addiction in a medical facility operated or
12 maintained by a local public entity.

13 (3) Whether to parole or release a person from
14 confinement for mental illness or addiction in a medical
15 facility operated or maintained by a local public entity.

16 A public employee is not liable for carrying out a
17 determination described in this subdivision (a).

18 (b) Nothing in this Section exonerates a public employee
19 from liability for false arrest or false imprisonment.

20 (Source: P.A. 91-357, eff. 7-29-99.)

21 (745 ILCS 10/6-108) (from Ch. 85, par. 6-108)

22 Sec. 6-108. A ~~Neither a~~ local public entity, a service
23 agency under contract with a public entity, and ~~nor~~ a public
24 employee ~~are not~~ ~~is~~ liable for an injury caused by or to an

1 escaping or escaped mental patient.

2 (Source: Laws 1965, p. 2983.)

3 (745 ILCS 10/6-109) (from Ch. 85, par. 6-109)

4 Sec. 6-109. A ~~Neither a~~ local public entity, a service
5 agency under contract with a public entity, and ~~nor~~ a public
6 employee acting in the scope of his employment are not ~~is~~
7 liable for an injury resulting from the failure to admit a
8 person to a medical facility operated or maintained by a local
9 public entity.

10 (Source: Laws 1965, p. 2983.)